

101 KAR 6:010. Living organ donor leave.

RELATES TO: KRS 18A.025, 18A.110

STATUTORY AUTHORITY: KRS 18A.194

NECESSITY, FUNCTION and CONFORMITY: KRS 18A.194 requires the secretary of the Personnel Cabinet to promulgate administrative regulations to implement the provisions of the Commonwealth of Kentucky Organ Donor Leave Program. This administrative regulation establishes living organ donor leave procedures.

Section 1. Eligibility. (1) A full-time employee of the executive, judicial, or legislative branch of the Commonwealth of Kentucky may request to receive paid living organ donor leave.

(2) Eligibility for living organ donor leave shall be limited to donations of bone marrow and any part of a human intestine, kidney, liver, lung, or pancreas.

Section 2. Procedures. (1) An appointing authority shall grant preliminary approval for living organ donor leave after the employee provides verification of a scheduled donation.

(2) An appointing authority shall grant final approval to receive living organ donor leave after the employee provides verification of the completed donation procedure from an appropriate medical professional.

(3) Use of final-approved living organ donor leave shall begin on the date of the completed donation procedure. The leave shall end when the employee returns to work or the leave is exhausted, whichever comes first.

(4) Requests for leave prior to final approval of living organ donor leave, or after living donor leave concludes, shall comply with the employing agency's applicable regulations, policies, and procedures, if any.

(5) Before an employee is permitted to return to work from living organ donor leave, if requested by the appointing authority, the employee shall obtain and present a fitness-for-duty certification from an appropriate medical health care professional indicating the employee is able to resume work.

Section 3. Restrictions. (1) For a single donation, living donor leave amounts shall not exceed two hundred forty (240) hours for human organ donation and forty (40) hours for bone marrow donation.

(2) Unless approved by the appointing authority, an employee shall not be eligible to claim the unused portion of living organ donor leave after returning to work.

(3) An employee receiving living organ donor leave shall be deemed to be in continuous state service with respect to all employment matters, including pay, benefits, seniority, and probation periods. (47 Ky.R. 472; eff. 2-2-2021.)